

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PHILLIP ELLIOT JONES,

Petitioner,

Case No. 10-cv-10383
HON. GEORGE CARAM STEEH

vs.

TOM BIRKETT,

Respondent.

_____ /

ORDER DENYING PETITIONER'S MOTION FOR CERTIFICATE OF APPEALABILITY
[#9]

On May 3, 2010, this court entered an opinion and order summarily dismissing petition for writ of habeas corpus and declining to issue a certificate of appealability. On November 24, 2010, this court denied petitioner's motion for reconsideration of this court's opinion and order summarily dismissing petition for writ of habeas corpus and declining to issue a certificate of appealability.

On December 3, 2010, petitioner filed a motion for certificate of appealability. This court has already ruled upon whether a certificate of appealability should be issued and found that jurists of reason would not find this court's conclusion as to petitioner's claims debateable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000); See Dkt. No. 3 at 5.

At this stage of the proceedings, petitioner may only request a certificate of

appealability from the Sixth Circuit Court of Appeals. Rule 22(b)(1) states:

In a habeas corpus proceeding . . . [i]f the district judge has denied the certificate, the applicant may request a circuit judge to issue it.

Fed. R. App. P. 22(b)(1).

Accordingly,

IT IS ORDERED that petitioner's motion for certificate of appealability is DENIED.

SO ORDERED.

Dated: December 7, 2010

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 7, 2010, by electronic and/or ordinary mail and also to Phillip Jones at Mound Correctional Facility, 17601 Mound Road, Detroit, MI 48212.

S/Josephine Chaffee
Deputy Clerk